

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Sean Durkin
DOCKET NO.: 04-00632.001-R-1
PARCEL NO.: 09-32-105-009

The parties of record before the Property Tax Appeal Board are Sean Durkin, the appellant, and the Will County Board of Review.

The subject property is a 15,000 square foot site improved with a one and part two-story, frame and masonry dwelling containing 3,526 square feet of living area that was built in 2003. Features include two full baths with one half-bath, an unfinished basement, central air-conditioning, a fireplace and an 850 square foot attached garage.

The appellant appeared before the Property Tax Appeal Board claiming overvaluation and unequal treatment in the assessment process as the bases of the appeal. In support of these claims, the appellant submitted a grid analysis detailing three comparable properties and a closing statement. The comparables are located within one mile of the subject. They consist of two-story, frame and masonry dwellings ranging from 2 to 4 years old. The homes have central air conditioning, a fireplace and at least one has a full unfinished basement. In addition, the homes have three-car garages. The comparables range in size from 2,630 to 3,498 square feet of living area and have improvement assessments ranging from \$72,451 to \$89,102 or from \$20.71 to \$29.70 per square foot of living area. The subject property has an improvement assessment of \$101,293 or \$28.73 per square foot of living area.

The appellant also asserted overvaluation as a basis of the appeal. In support of this argument the appellant submitted a closing statement which depicts the appellant paid \$316,400 on June 30, 2003 to Griffin & Gallagher for construction of the improvement. The appellant provided no information whether this price included the land, however, the board of review submitted a

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	27,999
IMPR.:	\$	76,793
TOTAL:	\$	104,792

Subject only to the State multiplier as applicable.

PTAB/eeb/Mar.08/2004-00632

real estate transfer declaration sheet with their submission of evidence which depicts the land was included in the construction price. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$124,358 was disclosed. In support of the subject's assessment, the board of review submitted a letter from the Frankfort Township Assessor, a corrected copy of the appellant's grid analysis, a map, a sales an equity grid analysis, property record cards and real estate transfer declaration sheets. The comparables are located in close proximity to the subject. The comparables are one and part two-story masonry or frame and masonry dwellings that were built between 2002 and 2004. They have central air conditioning, at least one fireplace and three-car garages. They range in size from 3,434 to 3,617 square feet of living area. The homes sold from December 2002 to August 2004 for prices ranging from \$296,900 to \$442,650 or from \$86.46 to \$22.38 per square foot of living area, including land. The same comparables were used by the board of review in support of the subject's assessment. The comparables had improvement assessments ranging from \$100,169 to \$110,591 or from \$28.73 to \$30.58 per square foot of living area.

The subject's total assessment of \$129,292 reflects an estimated market value of approximately \$390,374 or \$110.71 per square foot of living area, including land, using the 2004 three-year median level of assessments of 33.12% for Will County as determined by the Illinois Department of Revenue. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After considering the arguments and evidence the Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The appellant contends assessment inequity as one basis of the appeal. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

The Board finds the parties submitted seven assessment comparables for consideration. The Board finds the comparables submitted by both parties to be similar to the subject in size, construction and most other features. The evidence submitted indicates these properties have improvement assessments ranging from \$20.71 to \$30.58 per square foot of living area and support

the subject's improvement assessment of \$28.73 per square foot of living area. After considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's improvement assessment of \$28.73 per square foot of living area is within the range established by the most similar equity comparables contained in this record. Therefore, the Board finds the subject's improvement assessment is supported and no reduction in the subject's improvement assessment is warranted on this basis.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence presented by both parties.

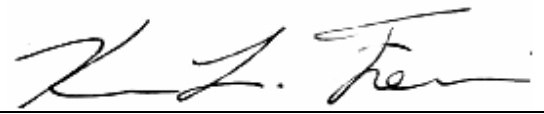
The appellant also argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2nd 1256 (2nd Dist. 2000). The Board finds the board of review submitted seven sales comparables while the appellant submitted a closing statement. The Board finds the closing statement which depicts the appellant purchased the subject property June 30, 2003 for \$316,400 as being the best evidence of the subject's fair market value. This price is further supported with the real estate transfer declaration sheet submitted by the board of review which depicts the purchase price includes the land and cost of construction. The subject's total assessment of \$129,292 reflects an estimated market value of approximately \$390,374 or \$110.71 per square foot of living area, including land, using the 2004 three-year median level of assessments of 33.12% for Will County as determined by the Illinois Department of Revenue. After considering the evidence submitted by both parties, the Board finds the subject's assessment is not supported by the purchase price of the land and actual construction of the subject and a reduction in the subject's assessment on this basis is warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellant has not demonstrated a lack of uniformity in the subject's assessment by clear and convincing evidence. However, with regards to the appellant's overvaluation argument, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted.

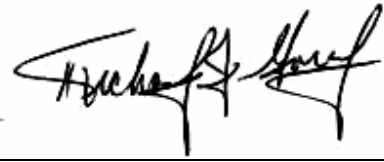
Since fair market value has been established, the 2004 three-year median level of assessments for Will County of 33.12% shall apply.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.